08-10-06 03:27pm From-KATTEN MUCHIN ROSENMAN 13129021061

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RE: Patent Application No 10/575 Filing Date: April 10, 2006 Inventor: James E. Van Buskirk Title: Method Apparatus and System Using Convolution at Multiple Please file the attached Information Disclosure Statement (3) International Search Report (1 p.) Form PTO/SB/08A (1 p.)  [ hereby certify that this converse of the converse of	for Synthesizing an Audio 1 Sample Rates  p.) (in duplicate)  Certificate is being 10, 2006.  erson signing this certificate is certificate.	cate of Transm facsimile transi		i. Patent a	nd Trademark Office
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**PATENT** 

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

10/575,278

Filing Date:

April, 10, 2006

Inventor(s):

James E. Van Buskirk

Group Art Unit:

Not Assigned

Examiner Name:

Not Assigned

Attorney Docket No.: 281450-00212

Title: Method Apparatus and System for Synthesizing an Audio Performance Using

Convolution at Multiple Sample Rates

Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### INFORMATION DISCLOSURE STATEMENT

This document is being filed pursuant to the provisions of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

## I. TIME OF FILING

X	_ This be fi	document is being filed in accordance with 37 C.F.R. § 1.97(b) as it is believed to led:
		within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
		within three months of the date of entry of the national stage as set forth in § 1.491
		in an international application;
	<u>X</u>	before the mailing of a first Office action on the merits; or
		before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
	OR	

Page 2 of 3

This document is being filed in accordance with 37 C.F.R. § 1.97(c) as it is believed to be filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application. This Statement is accompanied by one of:  the following statements; or
Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.
The fee set forth in § 1.17(p). Fee Transmittal Form PTO/SB/17 is attached.
OR
This document is being filed in accordance with 37 C.F.R. § 1.97(d) as it is believed to be filed on or before the payment of the issue fee and is accompanied by one of the following statements and the fee set forth in § 1.17(p). Fee Transmittal Form PTO/SB/17 is attached.  Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.  No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.
Applicant(s) respectfully request that the documents listed on the attached Form PTO/SB/08A and/or Form PTO/SB/08B be considered and made of record.
OR
It is requested that this Statement and enclosures be placed in the file. It is understood that the cited references will not be considered by the Office.

# II. FOREIGN PATENT OFFICE COMMUNICATIONS (if applicable)

One or more of the items of information contained in the information disclosure statement were cited in a communication from a foreign patent office in a counterpart foreign application. X A copy of the search report is attached. III. COPIES OF CITED REFERENCES Because this application was filed prior to June 30, 2003, copies of the document(s) listed on the attached Form(s) PTO/SB/08A and/or PTO/SB/08B are attached. OR Because this application was filed after June 30, 2003, copies of non-U.S. patent citations as listed on the attached Form(s) PTO/SB/08A and/or PTO/SB/08B are attached. AND (if applicable) All cited U.S. pending (non-published) applications listed on Form PTO/SB/08A are stored in the USPTO's IFW system. Copies are therefore not provided. OR One or more of the cited U.S. pending (non-published) applications (filed prior to June 30, 2003) as listed on Form PTO/SB/08A has not been stored in the USPTO's IFW

#### IV. REMARKS

The above constitutes information that an Examiner may find material to the examination of the subject application; however, it does not negate the patentability of the subject invention. Furthermore, it is not intended that submission of this information be taken as a representation that a search has been made or that no information which is more material exists.

system. Copies for the unstored applications are provided herewith.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment with respect to this communication to Deposit Account No. 50-1214. A duplicate copy of this communication is enclosed.

Date: 8-10-0C

By:

Jøhn S. Paniaguas

Attorney or Agent for Applicant(s)

Reg. No. 31,051

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PTO/SB/08A (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known Substitute for form 7449/PTO Appheation Number 10/575,278 Filing Date April 10, 2006 INFORMATION DISCLOSURE First Named Inventor James E. Van Buskirk STATEMENT BY APPLICANT Art Unit (Lise as many sheeps as necessary) Examiner Name Sheet 1 of 1 Attorney Docket Number 281450-00212

Examinar		B		DOCUMENTS	
	Cite No.1	Number-King Code <sup>2 (Fancero)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear
·		<sup>us-</sup> 5,862,227 A	01/19/1999	Orduna-Busjamanje; Felipe	епъте досимент
		<sup>US-</sup> 6,453,253 B1	09/17/2002	lto, Tsugio	Fig. 2, and columns 1-5
		us-2003/0169887 A1	09/11/2003	Fujita, Hiroaki et al.	Fig. 1 and pages 1-8
_		<sup>US-</sup> 5,502,747	07/07/1993	McGrath; David S	епта посители
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		Country Code <sup>3</sup> "Number " "Kind Code <sup>9</sup> (# known)	MM-DD-YYYY	क्रीवास्थान से जाका कल्लावा	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T
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